



08-16-01 *Use name not listed*

RCE/1635/10
PTO/SB/29 (08-00)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/137,059
Filing Date	August 20, 1998
First Named Inventor	Brian H. JOHNSTON
Group Art Unit	1635
Examiner Name	M. Schmidt
Attorney Docket No.	367592000100

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AUG 27 2001

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This is a Request for continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See *Changes to Application Examination and Provisional Application Practice*, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ **Enclosed**
- i. ☒ Amendment/Reply (10 pages)
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other: Fee Transmittal (original and copy for fee processing) (2 pages)

#25/K.T.
8/28
RCE

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.1039c) for a period of months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(l) required)
- b. ☒ Other: Revocation of Prior Power of Attorney and Appointment of New Power of Attorney (3 pages), Petition To Correct Inventorship (2 pages), Return Receipt Postcard

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 03-1952.
- i. ☒ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17) (1 page)
- iii. ☐ Other:
- b. ☐ Check in the amount of \$ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Jill A. Jacobson	Registration No. (Attorney/Agent)	40,030
Signature	<i>Jill A. Jacobson</i>	Date	August 14, 2001

08/23/2001 SLUANG1 00000008 031952 09137059 CERTIFICATE OF MAILING BY "EXPRESS MAIL"

03-FC-279 355.00 CH Express Mail Label No.: EL868341591US Date of Deposit: August 14, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

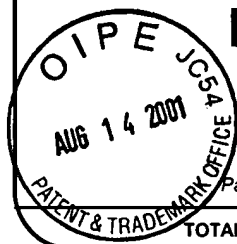
08/23/2001 SLUANG1 00000008 031952 09137059

01-FC-217 445.00 CH

Jill A. Jacobson
Jill A. Jacobson

Burden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL FOR FY 2001



Patent fees are subject to annual revision.

Complete if Known

Application Number 09/137,059
Filing Date August 20, 1998
First Named Inventor Brian H. JOHNSTON
Examiner Name M. Schmidt
Group Art Unit 1635
Attorney Docket No. 367592000100

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TOTAL AMOUNT OF PAYMENT

(\$1,184.00

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 03-1952
Deposit Account Name Morrison & Foerster LLP

- ☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) (\$0

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
49	- 23** = 26	x 9 =	\$ 234
Independent Claims	4	- 4** = 0	x 40 = \$ 0

Multiple Dependent

= \$ 0

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$234.00

** or number previously paid, if greater; For reissues, see above.

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	445
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	130
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	355
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$930.00

SUBMITTED BY

Name (Print/Type) Jill Jacobson

Registration No. 40,030
(Attorney/Agent)

Complete (if applicable)

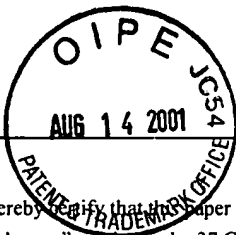
Telephone (650) 813-5876

Signature

Jill Jacobson

Date August 14, 2001

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PATENT
Docket No. 367592000-100

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Assistant Commissioner for Patents, Washington, D.C. 20231.

August 14, 2001
Date

Jill Jacobson
Jill Jacobson

#26/K.T.
8/28
Suppl.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

In the application of:

Brian H. JOHNSTON et al.

Serial No.: 09/137,059

Filing Date: August 20, 1998

For: ANTISENSE AND ANTIGENE
THERAPEUTICS WITH IMPROVED
BINDING PROPERTIES AND
METHODS FOR THEIR USE

Examiner: M. Schmidt

Group Art Unit: 1635

AUG 27 2001

TECH CENTER 1600/2900

AMENDMENT AND RESPONSE UNDER 37 C.F.R. §1.114

Box RCE
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the final Office Action dated February 14, 2001 in connection with the above-identified application. A petition for a three month extension of time is attached, making this response due on August 14, 2001. Accordingly, this response is timely filed.

Applicants have given careful consideration to the grounds for rejection. The following amendments and remarks are believed to place this application in condition for allowance, which is respectfully requested.